

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON LEWIS KELLY,

Defendant.

CR-18-15-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Amended Findings and Recommendations in this matter on May 27, 2021. (Doc. 88.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 27, 2021. (Doc. 86.) The United States accused Kelly of violating his conditions of supervised release 1) by committing another crime; and 2) by failing to reside at the place approved by his probation officer. (Doc. 85.)

At the revocation hearing, Kelly admitted to violating the conditions of his supervised release 1) by committing the crime described in alleged violation 1; and 2) by failing to reside at the place approved by is probation officer. Kelly denied alleged violation 3. The government failed to satisfy its burden of proof with respect to alleged violation 3. (Doc. 86.) Judge Johnston found that the violations Kelly admitted proved to be serious and warranted revocation, and recommended that Kelly receive a custodial sentence of 8 months with 48 months of supervised release to follow. (Doc. 88.) Kelly was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 86.) Kelly waived those rights. (*Id.*)

The violations prove serious and warrant revocation of Kelly's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Amended Findings and Recommendations (Doc. 88) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Brandon Lewis Kelly be sentenced to the custody of

the United States Bureau of Prisons for 8 months, with 48 months of supervised release to follow.

DATED this 27th day of May, 2021.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style. The first name "Brian" is written with a large, looped 'B', and the last name "Morris" follows in a similar cursive script.

Brian Morris, Chief District Judge
United States District Court